

Rafael Danam,
Plaintiff
v.
Elaine Kelley, et al.,
Defendants

Order Adopting Report and Recommendation

Rafael Danam sues Elaine Kelley, the principal of his former employer, the Somerset Academy Aliante Charter School, asserting constitutional and employment-related claims. Because Danam was granted *in forma pauperis* status, the court screened his complaint; upon doing so, it dismissed that complaint with a detailed explanation of its deficiencies and gave Danam leave to amend.¹ Danam filed an amended complaint,² but it, too, fails to state a colorable claim for relief. So Magistrate Judge Albregts dismissed that amended complaint without prejudice and with additional detail about how to cure the deficiencies. He also recommends that I deny plaintiff's pending motions for summary judgment and injunctive relief,³ along with the defendant's motion to dismiss.⁴ The deadline for objections to that recommendation passed without objection or any request to extend the deadline to file one.

⁴ ECF No. 18.

1 “[N]o review is required of a magistrate judge’s report and recommendation unless objections
2 are filed.”⁵

3 IT IS THEREFORE ORDERED that the magistrate judge’s report and recommendation
4 [ECF No. 22] is **ADOPTED** in full;

5 IT IS FURTHER ORDERED THAT the following motions [ECF Nos. 8, 11, 18] are
6 **DENIED** as moot because there is yet no operative complaint:

- 7 • Plaintiff’s Motion for Summary Judgment Failure of Defendant to Pay Last Day
8 of Wages from Wrongful Termination/Breach of Contract [ECF No. 8];
- 9 • Plaintiff’s Motion for Injunctive Order to Notify all parents of Subpoena for Court
10 Trial for Plaintiff’s Wrongful Termination/Breach of Contract by Defendant [ECF
11 No. 11]; and
- 12 • Defendant Elaine Kelley’s Motion to Dismiss Amended Complaint [ECF No. 18].

13 Dated: January 3, 2020

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15 U.S. District Judge Jennifer A. Dorsey
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23 ⁵ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474
U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).